IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5822 OF 2005

Balbir Singh @ Pinka. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Smt.Harjeet Kaur with Shri A.S.Anand for the Applicant.

Ms.M.M.Deshmukh, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 13th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The grievance made in the bail application is that as the entire record of the trial has been transmitted to this Court in connection with the appeals preferred by the co-accused, the trial has not commenced for a period of 11 years. The learned Advocate for the Applicant submitted that if at this stage a direction is given for sending the record to the Sessions Court and the trial is expedited, the Applicant will not press the bail application.

2. It appears from the averments made in the application that the trial of the co-accused was separated. The co-accused have been convicted and therefore, they have preferred appeals in this Court and the record and proceeding of the case including original

papers have been called for by this Court in the appeals. If the trial cannot proceed for want of record and proceeding which are lying in this Court, a direction will have to be given for sending back the record and proceedings for a limited period within which the trial of the Applicant can be concluded.

3. Hence the Application is disposed of by the following order:

(i) The Application is dismissed as not pressed.

(ii) The record and proceedings called for by this Court in Criminal Appeal No.632 of 2001, 622 of 2001 and 721 of 2001 shall be transmitted to the concerned Sessions Court to enable the Sessions Court to proceed with the trial of the Applicant. If any documents in the said record are required for preparation of paper book, the record will be dispatched to the Sessions Court after office of this Court prepares zerox copies of the relevant documents. The record and proceedings will be transmitted within a period of one month from today.

(iii) After receipt of the record, the concerned Sessions Court will conclude the trial of the Applicant as expeditiously as possible taking into consideration that the incident is of the year 1995.

(iv) All concerned to act on an authenticated copy of this order.

Judge.